

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA

v.

**MICHAEL A. SINGER,
a/k/a Mickey Singer**

Defendant.

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CRIMINAL NO.: 9:05-928

UNOPPOSED MOTION TO DISMISS

The United States of America, through undersigned counsel, respectfully moves this Court for leave to dismiss the Second Superseding Indictment against MICHAEL A. SINGER in the above-entitled case with prejudice; and in support of this motion, states as follows:

On February 27, 2007, the Second Superseding Indictment was filed, charging the defendant with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371 (Count 1), and conspiracy to engage in money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count 2).

The Second Superseding Indictment also sought asset forfeiture against the defendant, pursuant to Title 18, United States Code, Sections 981 and 982, and Title 28, United States Code, Section 2461.

On August 10, 2009, the United States moved to dismiss Count 2 of the Second Superseding Indictment against all defendants, which was granted by the Court on August 10, 2009.

On January 11, 2010, the United States and the defendant entered into a Deferred Prosecution Agreement (DPA) for a term of six months. Dkt. 894, at ¶5. The defendant agreed to settle all forfeiture claims for \$2.5 million. Dkt. 894, at ¶ 7. The United States agreed to dismiss all charges against the defendant if he fulfilled the terms of the DPA. The Court approved the DPA on January 13, 2010. Dkt. 901. Consistent with the DPA, the United States received a check from the defendant on April 16, 2010, and the defendant has not violated any term of the DPA.

The United States therefore moves to dismiss the remaining count (Count 1) in the Second Superseding Indictment with prejudice against MICHAEL A. SINGER.

Respectfully submitted,

BETH DRAKE
ATTORNEY FOR THE UNITED STATES
ACTING UNDER THE AUTHORITY
CONFERRED BY 28 U.S.C. § 515

By: s/ Eric J. Klumb
Eric J. Klumb
Assistant United States Attorney
District of South Carolina

Jennifer R. Taylor
Trial Attorney
U.S. Department of Justice

Dated: July 23, 2010 at Charleston, South Carolina.

CERTIFICATE OF SERVICE

I hereby certify that I have this date caused one true and correct copy of the within document to be served in the above-captioned case, via the courts e-noticing system, but if that means failed, then by regular mail, on all parties of record.

s:/Eric J. Klumb
ERIC J. KLUMB